

IN THE DISTRICT COURT OF DODGE COUNTY, NEBRASKA

CHARITY HENNIG,)	
)	
Plaintiff,)	Civil No.:
)	
vs.)	COMPLAINT (Law)
)	
MENARD, INC. dba MENARDS,)	
)	
Defendant)	
)	

Plaintiff for her claim for relief against Defendant alleges and states:

The Parties

1. Plaintiff is a resident of Burt County, Nebraska. Plaintiff alleges, on information and belief, that Defendant Menard, Inc., doing business as Menards, is a Wisconsin corporation that owns and operates a store located at 3600 E. 24th Street in Fremont in Dodge County, Nebraska. The incident described in this Complaint happened at this store.

The Incident

2. On February 15, 2018, in the late afternoon, Plaintiff was at Menards to pick up a lamp she had ordered online.

a. Plaintiff went to the customer service center at the front of the store where an employee told her she would have to drive to the pickup area at the back of the store to get her lamp. Plaintiff asked whether a Menards employee could bring the lamp to customer service. The employee:

- Replied “No”;
- Printed the paperwork Plaintiff needed to get the lamp;
- Directed Plaintiff to drive her car to the entry gate to the lumber yard; and
- Directed Plaintiff to tell the Menards employee at this gate to arrange for another Menards’ employee to be waiting to help her.

c. When Plaintiff arrived at the entry gate, the Menard's employee directed her to drive her car to the rear of the building and parked it at a specific door near the customer pickup area.

d. Plaintiff drove her car to the back of the building and parked it directly in front of the designated bay door. Plaintiff waited outside for more than ten minutes. It was windy outside with frequent strong wind gusts.

e. When a female Menards employee approached a cash register inside the building that was near the bay door, Plaintiff got of her car and entered the doors designed for people to enter and exit the building. Plaintiff shouted at the female employee asking her whether she could help her pick up her lamp. Even though the woman stated she did not work in the pickup department, she offered to see if she could find Plaintiff's lamp. Plaintiff remained standing in front of the cash register in a position so she could keep an eye on her car.

f. A worker driving a forklift carrying a large item pulled up to the bay door. Even though Plaintiff's car was parked in a position that prevented the worker from driving the forklift through the bay opening, the worker got off his forklift and opened the overhead door to the bay.

g. Plaintiff alleges, on information and belief, that a Menard's employee had left a door leaning against the exterior wall close to the bay opening. Almost as soon as the worker opened the overhead door, a gust of wind blew through the opening and caught this door and propelled it into Plaintiff's head.

The Negligence

3. The negligence of Defendant Menard, Inc. and its employees was a direct, proximate, and contributing cause of the injuries Plaintiff received when the door struck her head. This negligence included:

- a. Failing to deliver the small package to Plaintiff at customer service or at her car;

- b. Failing to store or position the door securely in a safe and stable position and instead needlessly leaning it against an exterior wall close to the bay opening where it was susceptible to wind gusts;
- c. Failing to direct Plaintiff to return to her car to wait for her lamp;
- d. Failing to direct Plaintiff to an area where it was safe to wait and instead needlessly allowing Plaintiff to be in a hazardous area susceptible to wind gusts and where heavy items are stored;
- e. Failing to take appropriate precautions to protect Plaintiff and other customers from the dangers presented by the gusty wind conditions around and in the customer pickup area; and
- f. Opening the overhead door without first directing Plaintiff to move from the area.

The negligence of Menard, Inc. employees is imputed to Menard, Inc.

The Injuries

4. As a direct and proximate result of the negligence of Defendant Menard, Inc. and its employees, Plaintiff Charity Hennig suffered injuries to her:

- Head;
- Brain;
- Visual system;
- Balance system;
- Ears;
- Central nervous system; and
- Neck.

These injuries are permanent. As a result of these injuries Charity Hennig has suffered pain and disability and will in the future suffer pain and disability.

Medical Expenses


5. In order to treat these injuries, Charity Hennig has incurred medical expenses of over \$85,000.00. Plaintiff will incur future medical expenses for the treatment of these injuries.

Plaintiff prays for a judgment against Defendant for:

- A. Special damages in the amount of \$85,000.00 for the reasonable expense of her necessary medical care; and
- B. General damages in an amount that will fairly and adequately, but not excessively compensate her for:
 - i. The nature and extent of her injuries;
 - ii. The disability experienced to date and reasonably certain to be experienced in the future;
 - iii. The pain and suffering, mental and physical, experienced to date and reasonably certain to be experienced in the future; and
 - iv. The reasonable expense of the necessary medical care, treatment, and services reasonably certain to be experienced in the future.

Plaintiff prays for her costs herein expended and such other relief as the court deems just and proper.

CHARITY HENNIG,
Plaintiff



By _____
Stephen L. Gerdes #15392
Law Office of Steve Gerdes
11920 Burt St. Suite 145
Omaha, NE 68154-1574
(402) 393-1435
slgerdes@fastmail.fm

IN THE DISTRICT COURT OF DODGE COUNTY, NEBRASKA

CHARITY HENNIG,)	
)	
Plaintiff,)	Civil No.:
)	
vs.)	DEMAND FOR
)	JURY TRIAL
MENARD, INC. dba MENARDS,)	
)	
Defendant)	
)	

Pursuant to Neb. Rev. Stat. §25-2705, Plaintiff hereby demands a jury trial.

CHARITY HENNIG,
Plaintiff



By _____
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Omaha, NE 68154-1574
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IN THE DISTRICT COURT OF DODGE COUNTY, NEBRASKA

CHARITY HENNIG,

Plaintiff,

vs.

MENARD, INC. dba MENARDS,

Defendant

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Civil No.:

PRAECIPE

TO THE CLERK OF SAID COURT:

Please issue summons on:

Menard, Inc.

The Prentice-Hall Corporation System, Inc.

Suite 1900

233 S. 13th St.

Lincoln, NE 68508

Service will be by certified mail on its registered agent, The Prentice-Hall Corporation System, Inc. Please email the summons to me.

CHARITY HENNIG,
Plaintiff



By _____

Stephen L. Gerdes #15392

Law Office of Steve Gerdes

11920 Burt St. Suite 145

Omaha, NE 68154-1574

(402) 393-1435

slgerdes@fastmail.fm

Image ID:
D00045550D05

SUMMONS

Doc. No. 45550

IN THE DISTRICT COURT OF Dodge COUNTY, NEBRASKA
428 N Broad St.
Fremont NE 68025 4962

Charity Hennig v. Menard, Inc.

Case ID: CI 22 70

TO: Menard, Inc.

FILED BY
Clerk of the Dodge District Court
02/04/2022

You have been sued by the following plaintiff(s):

Charity Hennig

Plaintiff's Attorney: Stephen L Gerdes
Address: Richland Park Office Plaza
11920 Burt Street Suite 145
Omaha, NE 68154-1574
Telephone: (402) 393-1435

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Nebraska Supreme Court Rule 2-208 requires individuals involved in a case who are not attorneys and representing themselves to provide their email address to the court in order to receive notice by email from the court about the case. Complete and return the attached form to the court if representing yourself.

Date: FEBRUARY 4, 2022

BY THE COURT:

Linda Nelson
Clerk

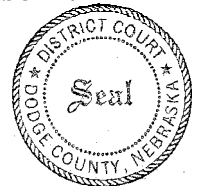


Image ID:
D00045550D05

SUMMONS

Doc. No. 45550

PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE
COMPLAINT/PETITION ON:

Menard, Inc.
Prentice-Hall Corporation System
233 S. 13th St., Suite 1900
Lincoln, NE 68508

Method of service: Certified Mail
Service on Registered Agent

You are directed to make such service within ten days after the date of issue,
and file with the court clerk proof of service within ten days after the signed
receipt is received or is available electronically, whichever occurs first.

SERVICE RETURN

Doc. No. 45550

Dodge District Court
 428 N Broad St.
 Fremont NE 68025 4962

To:

Case ID: CI 22 70 Charity Hennig v. Menard, Inc.

Received this Summons on _____, _____. I hereby certify that on
 _____, _____ at _____ o'clock __M. I served copies of the Summons
 upon the party:

by _____

as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____ miles _____

TOTAL \$ _____

Date: _____ BY: _____
 (Sheriff or authorized person)

**CERTIFIED MAIL
 PROOF OF SERVICE**

Copies of the Summons were mailed by certified mail,
 TO THE PARTY: Menard, Inc.

At the following address: The Prentice-Hall Corporation System, Inc.
233 S. 13th St., Suite 1900
Lincoln, NE 68508

on the 4th day of February, 2022, as required by Nebraska state law.

Postage \$ 8.16 Attorney for: Plaintiff

The return receipt for mailing to the party was signed on February 7, 2022.

To: Menard, Inc.
 Prentice-Hall Corporation System
 233 S. 13th St., Suite 1900
 Lincoln, NE 68508

From: Stephen L Gerdes
 Richland Park Office Plaza
 11920 Burt Street Suite 145
 Omaha, NE 68154-1574

ATTACH RETURN RECEIPT & RETURN TO COURT



Notice of Service of Process

null / ALL
Transmittal Number: 24437729
Date Processed: 02/07/2022

Primary Contact: Andrew Akey
Menard, Inc.
5101 Menard Dr
Eau Claire, WI 54703-9604

Electronic copy provided to: Meghan Olson
Todd Lemanski
Brianna Varanko

Entity: Menard, Inc.
Entity ID Number 0033810

Entity Served: Menard, Inc.

Title of Action: Charity Hennig vs. Menard, Inc. dba Menards

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Dodge County District Court, NE

Case/Reference No: CI 22 70

Jurisdiction Served: Nebraska

Date Served on CSC: 02/07/2022

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Certified Mail

Sender Information: Law Office Of Steve Gerdes
402-393-1435

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com